

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-44459-2014
Date of decision: 11.8.2015

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Randeep Singh Dhull, Advocate for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.2 dated 2.1.2014 registered under Sections 323/341/506 read with Section 34 IPC and under Section 302 IPC (added later on) at Police Station, Pundri, District Kaithal.

Learned counsel for the petitioner submits that there was no specific allegation against the petitioner. No particular injury was attributed to him. Initially, the case was registered under Sections 323, 341, 506 and Section 34 IPC. The injured died after two weeks of the occurrence because of the medical negligence and thereafter offence under Section 302 IPC was added. He further submits that prosecution is not leading any evidence for the last 2-3 dates, without there being any justification. Since the trial is going on at a slow pace, conclusion thereof will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Karambir, Police Station Pundri, submits that since petitioner was one of the accused and caused injuries on the person of the injured who later

on died, he is not entitled for bail pending trial. He further submits that since only three prosecution witnesses are left to be examined, conclusion of trial will not take long time. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because no specific injury has been attributed to the petitioner. Allegations levelled in the impugned FIR were general in nature. It is also a matter of record that injured died after two weeks of the occurrence. In such a situation, it will be the moot point whether injured died because of injuries suffered or due to the medical negligence. Further for the last more than three months, trial is at the same stage. No prosecution witness has been produced by the prosecution. There is no justification forthcoming.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

11.8.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE